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REMARKSI. 35 U.S.C. § 112, Second Paragraph, Rejections

Dependent Claims 2-4 and 14-16 were rejected under 35 U.S.C. § 112, second paragraph, because it was not clear whether the recitation of "the second field" in those claims referred to the second field of the medical image standard or the second field of the file. To clarify the claims, Applicant has amended these and other claims to specify "of the file" or "of the medical image standard." In view of these amendments, Applicant respectfully submits that the 35 U.S.C. § 112, second paragraph, rejections have been overcome.

II. 35 U.S.C. § 102(e) Rejections

Independent Claims 1, 13, and 24 were rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent Publication No. US 2004/0071038 to Sterritt. Applicant respectfully requests reconsideration and withdrawal of these rejections because Sterritt does not teach each and every element recited in the independent claims. Before turning to the claims, Applicant provides a brief overview of Sterritt.

Sterritt is directed to a system in which removable media, such as a CD, is loaded with both DICOM-formatted data and a universal viewer application to allow a computer without a DICOM viewer to display the DICOM-formatted data. The passages in Sterritt that were cited in the Office Action in rejecting independent Claims 1, 13, and 24 elaborate on this main point. For example, paragraphs 34 and 39 describe how DICOM provides a standard method for medical equipment to communicate with each other. One of the disadvantages of DICOM is that DICOM-formatted data can only be viewed by DICOM medical viewers. As a result, DICOM-formatted data is not truly transportable. As described in paragraphs 13, 43, and 47, to overcome this problem, Sterritt teaches storing a universal DICOM viewer and DICOM-formatted data on

removable media. When the removable media is provided to an ordinary computer that does not include DICOM hardware or software, the computer can use the universal DICOM viewer to view the DICOM-formatted data on the removable media. This provides the transportability of DICOM-formatted data that Sterritt desires.

Turning now to the claims, independent Claims 1 and 13 use the term “medical image standard,” while independent Claim 24 uses the term “DICOM.” Since Sterritt also uses the term “DICOM,” the following discussion will begin with independent Claim 24 and then turn to independent Claims 1 and 13.

There are a number of differences between the elements recited in independent Claim 24 and Sterritt. In short, Sterritt provides removable media with DICOM data and software to view the DICOM data on the removable media, whereas the method in independent Claim 24 provides non-DICOM-compliant medical image data and *information* that can be used to *obtain* software — not the software itself. Turning now to the claim language, independent Claim 24 recites providing a file in compliance with DICOM to a medical DICOM-compliant image viewer. The file comprises a DICOM private attribute field comprising non-DICOM-compliant medical image data and a DICOM standard attribute field comprising information that can be used to obtain software to at least one of display and manipulate the medical image data. The Office Action asserted that this act is shown in paragraphs 13, 34, and 39. However, as discussed above, the “file” in these paragraphs contains *DICOM-compliant* medical image data — not non-DICOM-compliant medical image data, as recited in independent Claim 24. Further, the “file” in these paragraphs contains the viewer software itself — not *information* that can be used to *obtain* software, and the “file” in Sterritt is not provided to a medical DICOM-compliant

image viewer, as recited in independent Claim 24. Because of these differences, Sterritt fails to anticipate independent Claim 24.

The rejections of independent Claims 1 and 13 are also deficient. Independent Claim 1 recites providing a file in compliance with the medical image standard to a medical image viewer, wherein the medical image standard specifies a first field for data not in compliance with the medical image standard and a second field for data in compliance with the medical image standard, wherein the first field of the file comprises medical image data and the second field of the file comprises information that can be used to obtain software to at least one of display and manipulate the medical image data. As noted above, the asserted "file" in Sterritt is not provided to a medical image viewer but instead *contains* a medical image viewer, as well as medical-image-standard compliant image data. Accordingly, the asserted "file" in Sterritt does not contain medical image data in a medical-image-standard compliant field, nor does it contain information that can be used to obtain software, as recited in independent Claim 1. Similarly, independent Claim 13 recites a medical image viewer comprising a storage device storing a file with a first field comprising medical image data and a second field comprising information that can be used to obtain software to at least one of display and manipulate the medical image data. Accordingly, independent Claim 13 is patentable over Sterritt for reasons similar to those stated above.

### III. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Reconsideration is respectfully submitted. It should be noted that while only some elements of the independent claims were discussed above, other elements of the independent claims, as well as the dependent claims, provide additional

grounds of patentability. Applicant reserves the right to present these additional grounds at a later time, if necessary.

If there are any questions concerning this Amendment, the Examiner is asked to phone Joseph F. Hetz at (312) 321-4719.

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Respectfully submitted,



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